

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 1999-249-C & 1999-268-C - ORDER NO. 1999-499

JULY 13, 1999

JWR

IN RE: Docket No. 1999-249-C - Petition of Horry Telephone Cooperative, Inc. for Suspension or Modification, Pursuant to Section 251(f)(2) of the Telecommunications Act of 1996.)	ORDER
)	CONSOLIDATING
)	DOCKETS AND
)	APPROVING
AND)	SCHEDULE AND
)	PROCEDURES FOR
)	HEARING
Docket No. 1999-268-C – Petition of Myrtle Beach Telephone, L.L.C. for Arbitration, Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Horry Telephone Cooperative, Inc.)	
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On June 2, 1999, Horry Telephone Cooperative, Inc. ("HTC") filed with the Public Service Commission of South Carolina ("Commission") a Petition for Suspension or Modification, Pursuant to Section 251(f)(2) of the Telecommunications Act of 1996, 47 U.S.C. Section 251(f)(2) ("the Act"), of Certain Duties Contained in Section 251(c) of the Act. By its Petition, HTC seeks a suspension of the duty of incumbent local exchange carriers to provide interconnection to facilities-based telecommunications providers, pursuant to Section 251(c)(2) of the Act, and the duty to provide access to network elements on an unbundled basis, pursuant to Section 251(c)(3) of the Act. HTC requests that its duty to provide these services be suspended until such time as the appropriate

mechanisms are in place and fully operational such that adverse impacts to HTC and its customers can be avoided.

In support of its Petition, HTC submits that granting of its Petition if necessary to avoid a significant adverse economic impact on users of telecommunications services generally and to avoid imposing a requirement that is unduly economically burdensome. HTC further submits that granting its Petition is consistent with the public interest, convenience, and necessity.

On June 17, 1999, Myrtle Beach Telephone, L.L.C. ("MBT") filed with the Commission a Petition for Arbitration to resolve certain open issues in the negotiations between MBT and HTC and to establish an agreement on terms and conditions for interconnection and resale between MBT and HTC pursuant to Section 252(b) of the Act.

These matters are before the Commission to consider scheduling of these dockets. The Commission notes that pursuant to Section 251(f)(2) of the Act, it must act upon HTC's Petition within 180 days of receipt of the Petition, or by November 29, 1999. Under Section 252(b)(4)(C), the Commission has 9 months after the date on which the local exchange carrier received the request under this section, or until October 11, 1999, to conclude the resolution of any unresolved issues under arbitration Petition filed by MBT.

Upon consideration of this matter, the Commission is mindful of Section 252(g) of the Act which states:

Consolidation of State Proceeding. – Where not inconsistent with the requirements of the Act, a State commission may, to the extent practical, consolidate proceedings under sections 241(e), 251(f), 253, and this section in order to reduce

administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under this Act.

The Commission is of the opinion, and so finds, that consolidation of the HTC Petition for Suspension or Modification of Certain Duties Contained in Section 251(c) of the Act filed pursuant to Section 251(f) of the Act and MBT Petition for Arbitration filed pursuant to Section 252 of the Act should be granted for purposes of hearing. The Commission believes that consolidation of the petitions for hearing purposes will reduce administrative burdens on the parties as well as on the Commission by obviating the need for two hearing with many of the same witnesses. Further, consolidation of the petitions should promote judicial economy as well as reduce costs for the parties. Further, the Commission does not believe that either party will be prejudiced by consolidation of the proceedings for hearing purposes.

In order to proceed with the proceedings, the Commission must establish certain scheduling and procedures for the parties in advance of the hearing. The Commission adopts the following schedule and procedures for the hearing on the petitions at bar:

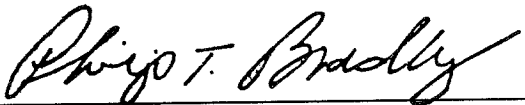
1. The Hearing in these dockets, Docket No. 1999-249-C and Docket No. 1999-268-C, shall begin at 11:00 A.M. on Monday, September 20, 1999.
2. HTC shall prefile its testimony and exhibits related to Docket No. 1999-249-C (the HTC's request for Suspension/Modification) on or before **August 23, 1999**. MBT shall prefile its testimony and exhibits related to Docket No. 1999-268-C (the Arbitration proceeding) on or before **August 23, 1999**.

3. HTC shall prefile its testimony and exhibits related to Docket No. 1999-268-C (the Arbitration proceeding) on or before **September 6, 1999**. MBT shall prefile its testimony and exhibits related to Docket No. 1999-249-C (HTC request for Suspension/Modification) on or before **September 6, 1999**.
4. The parties (HTC and MBT) as well as any participants admitted in this matter, may submit a non-binding list of questions to the Arbitrator (the Commission) on or before September 13, 1999.
5. Opening statements of the Parties and Participants will be allowed at the beginning of the hearing.
6. Direct testimony and exhibits of the Parties' witnesses shall be presented to the Arbitrator (the Commission) in a panel format. All witnesses will be sworn concurrently.
7. The Arbitrator or its designee shall conduct examination of the witnesses. Examination may be directed to specific witnesses or to the entire panel. Responses to examination may be permitted at the discretion of the Arbitrator.
8. Closing statements of the parties and participants will be allowed at the conclusion of the hearing.
9. The Commission will follow the arbitration procedures established in prior arbitration dockets. However, the Commission reserves the right to amend or modify the instant schedule and procedures for Arbitration as the Commission deems necessary.

IT IS THEREFORE ORDERED THAT:

1. The HTC Petition for Suspension or Modification of Certain Duties Contained in Section 251(c) of the Act filed pursuant to Section 251(f) of the Act and MBT Petition for Arbitration filed pursuant to Section 252 of the Act are hereby consolidated for hearing purposes.
2. The schedule and procedures set forth above is adopted for the hearing in these dockets, Docket No. 1999-249-C and Docket No. 1999-268-C, scheduled to begin on **Monday, September 20, 1999, at 11:00 A.M.**
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)